

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:09cv375**

**WILLIAM NORKUNAS,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **BILTMORE EIGHT, a Foreign** )  
 **Limited Liability Company,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

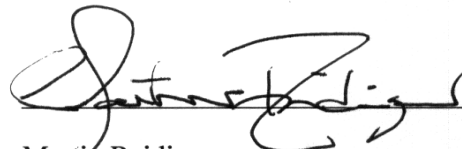
**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 26] and the Defendant's Motion for Summary Judgment [Doc. 29].

The Plaintiff's motion was filed on January 6, 2011 and the Defendant's cross-motion was filed on January 19, 2011. The Pretrial Order and Case Management Plan [Doc. 21] entered in this matter on March 25, 2010 provides that motions were to be filed on or before November 1, 2010. Each of the motions is therefore untimely.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Summary Judgment [Doc. 26] is hereby **DENIED**.

**IT IS FURTHER ORDERED** that the Defendant's Motion for Summary Judgment [Doc. 29] is hereby **DENIED**.

Signed: January 24, 2011

  
Martin Reidinger  
United States District Judge

